

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.113 OF 2024

Shri. Dattaram Ramchandra
Lad (Deceased) Thr. Lrs. ...Applicant

Vs
Shri. Naresh Atmaram Lad
(Deceased) Thr. Lrs ...Respondent

Adv. Sayali Bhaidkar i/b. Adv. Manjiri Parasnis for the Applicant.

Adv. Jaydeep Deo for Respondent No.1a, 1b & 2.
Adv. Amogh Singh a/w. Adv. Rahul Arora i/b. Adv. Jeet Gandhi for
Respondent No.5.

CORAM : RAJESH S. PATIL, J.

DATED : 10 APRIL 2024

P.C.:

1. The papers are allowed to be produced at 2.30 p.m., in view of urgency.
2. In this matter by order dated 28 February 2024, this Court had issued notice to the respondent and had also granted ad-interim relief in terms of prayer clause (d).
3. Today Mr. Deo appearing for the respondent Nos.1a, 1b and 2 submits that his clients are the original plaintiffs, who had filed caveat in this Court. He submits that without serving him a copy of the Civil Revision Application, the matter was moved for

urgent relief on 28 February 2024.

4. He submits that the old premises has been demolished, and new building has come up on the said plot of land in which the suit premises existed. He submits that today there was a “lottery” of the newly constructed plots by respondent No.5/ owner developer. He submits that as per his knowledge the flat pertaining to the suit premises has been wrongly allotted in the name of original defendant No.1(Dattaram Ramchandra Lad). He submits that therefore, the earlier order was passed by this Court 28 February 2024 needs to be vacated and newly constructed premises should be handed over to his client.

5. Mr. Singh appearing for the developer/respondent no.5 submits that his client would hand over the possession of the newly constructed flat in lieu of the original suit premises to any person to which this Court directs to hand over the possession.

6. Ms. Bhaidkar, holding for Ms.Parasnis submits that suffice would the purpose if the status quo as of today is maintained of the suit premises.

7. By consent of the contesting parties, there will be status quo as of today with regard to the newly constructed premises in lieu of the suit premises till further order passed by this Court.

8. Stand over to 29 April 2024. The matter to come up under the caption of “High On Board”.

(RAJESH S. PATIL, J.)